

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ROYLENE RAY and KELLY CANNON,
individually and on behalf of other similarly
situated,

No. C 06-01807 JSW

Plaintiffs,

v.

BLUEHIPPO FUNDING, LLC,

Defendant.

**ORDER VACATING MOTIONS
AND PRETRIAL DATES AND
REQUIRING FILING RE EFFECT
OF BANKRUPTCY STAY**

Now before the Court is the suggestion of bankruptcy filed by Defendant BlueHippo Funding, LLC and BlueHippo Capital, LLC ("BlueHippo Defendants"). The notice indicates that pursuant to section 362 of the Bankruptcy Code, the filing of the bankruptcy petition operates as a stay of the continuation of these proceedings and that Plaintiff is now precluded from prosecuting this matter against the BlueHippo Defendants. By operation of 11 U.S.C. § 362(a), the filing of the petition for bankruptcy operates as a STAY as to all actions against the BlueHippo Defendants.


The Court is also cognizant that there are several motions pending in this matter regarding approval of the class settlement and related relief, an objection to the motion for approval and a motion to intervene to stay this matter by a proposed intervenor, as well as a motion by counsel for the BlueHippo Defendants requesting to withdraw from representation. By operation of the stay, these motions are HEREBY TERMINATED, and may be re-noticed at such time as the stay is lifted. In addition, the current pretrial conference and trial dates of January 11, 2010 and February 1, 2010, respectively, are HEREBY VACATED.

In addition, by no later than January 15, 2010, the parties to this matter, including defendant Gateway, Inc., shall file simultaneous briefs explaining what effect, if any, the stay as

1 to the BlueHippo Defendants has on the case with respect to the remaining defendant. In
2 particular, the parties should address whether the case may proceed against the remaining
3 defendant even if issues decided as to the claims raised against them may operate as issue
4 preclusion with respect to the claims (or the proposed pending settlement) against the
5 BlueHippo Defendants.

6
7 **IT IS SO ORDERED.**

8 Dated: January 6, 2010



JEFFREY S. WHITE
UNITED STATES DISTRICT JUDGE